



0072376

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3100 Port of Benton Blvd • Richland, WA 99354 • (509) 372-7950

RECEIVED
MAY 15 2007

EDMC

May 14, 2007

Ms. Shirley J. Olinger, Acting Manager
Office of River Protection
United States Department of Energy
P. O. Box 450, MSIN: H6-60
Richland, Washington 99352

Mr. Mark S. Spears, President
CH2M HILL Hanford Group, Inc.
P.O. Box 1500, MSIN: H6-63
Richland, Washington 99352

Re: Notice of Violation for Unfit-For-Use Hazardous Waste Tank System Components

Dear Ms. Olinger and Mr. Spears:

On August 8, 2002, the Department of Ecology issued a notice of non-compliance to the United States Department of Energy – Office of River Protection (USDOE-ORP) and its prime contractor, CH2M HILL Hanford Group, Incorporated (CH2M). In the 2002 notice, Ecology cited violations of state and federal hazardous waste tank system regulations for operation of temporary mixed waste transfer lines in use at Hanford's tank farms. To correct the violations cited in Ecology's notice of non-compliance, USDOE-ORP and CH2M developed the *Temporary Waste Transfer Line Management Program Plan*, RPP-12711, with our approval. Ecology considered the operation of the temporary mixed waste transfer lines in Hanford's tank farms to be compliant as long as all requirements of the *Temporary Waste Transfer Line Management Program Plan*, RPP-12711 were met.

On March 28, 2007, Ecology performed an inspection at Hanford's tank farms to determine if temporary transfer lines were being managed as required in the *Temporary Waste Transfer Line Management Program Plan*. The March 2007 inspection revealed that temporary mixed waste transfer lines were not being managed according to the requirements of that plan.

Also, in April 2007, CH2M provided Ecology with the *Evaluation of Hose-in-Hose Transfer Line Service Life*, RPP-6711, Rev. 2K. This report was provided to support increasing the service life for hose-in-hose temporary transfer lines beyond those described in the *Temporary Waste Transfer Line Management Program Plan*. After reviewing CH2M's *Evaluation of Hose-in-Hose Transfer Line Service Life*, Ecology has concluded that this report lacks the technical basis for extending the service life of temporary transfer lines beyond those referenced in the *Temporary Waste Transfer Line Management Program Plan*, RPP-12711, and therefore, we do not accept the conclusions reached in CH2M's report.



Ms. Olinger and Mr. Spears
May 14, 2007
Page 2

Based on findings from the March 2007 inspection, Ecology has identified a violation of Chapter 40 of the Code of Federal Regulations (CFR) and Washington Administrative Code (WAC) Chapter 173-303, Dangerous Waste Regulations as described below. Following the violation, you will find the corrective measure to remedy the violation. In addition to completing the corrective measure described in this notice of violation, Ecology expects USDOE-ORP and CH2M to adhere to all requirements of the *Temporary Waste Transfer Line Management Program Plan*, RPP-12711.

VIOLATION:

#1 WAC 173-303-640 Tank Systems and 40 CFR, 264, Subpart J, Tank Systems:

USDOE-ORP and CH2M failed to meet the requirements of WAC 173-303-640(7) and 40 CFR, 264.196, Subpart J to disposition unfit-for-use hazardous waste storage tank systems. USDOE-ORP and CH2M failed to meet these requirements in the following manner:

USDOE-ORP and CH2M developed the Temporary Waste Transfer Line Management Program Plan, RPP-12711 in consultation with Ecology in response to violations of hazardous waste storage tank requirements transmitted to USDOE-ORP and CH2M by letter from Ecology dated August 8, 2002. The Temporary Waste Transfer Line Management Program Plan was approved by Ecology to: 1) address the violations cited in the August 8, 2002 letter, and 2) provide for life-cycle management of temporary transfer lines, known as hose-in-hose transfer lines or HIHTLs.

USDOE-ORP and CH2M have since failed to comply with the requirements of the Temporary Waste Transfer Line Management Program Plan. USDOE-ORP and CH2M have not removed or disposed of HIHTLs from Hanford's tank farms at the expiration of the HIHTL's service life. Some HIHTLs may contain residual flush liquids within the primary hose and the HIHTLs remain connected to the single-shell tank (SST) or the double-shell tank (DST) transfer system. Specifically, the service life of 14 HIHTLs has expired and they remain deployed in the tank farms. An additional 13 HIHTLs will exceed their service life in 2007, but have no funding available to remove or dispose of them.

Failure to meet the requirements of the Temporary Waste Transfer Line Management Program Plan, RPP-1271, renders HIHTLs with expired service life non-compliant and unfit-for-use as described in WAC 173-303-640(7) and 40 CFR, 264.196, Subpart J.

In order to correct the violation identified in this notice of violation, please complete the following corrective measure within the time frames specified. Failure to correct the violation described in this letter may result in the issuance of an administrative order and/or penalties according to the Revised Code of Washington (RCW) 70.105.095 and 70.105.080. Please

Ms. Olinger and Mr. Spears

May 14, 2007

Page 3

be advised that if Ecology determines a penalty is warranted due to failure to correct the violations as described in this letter, such penalty may be assessed based on the time the violations first occurred. A request for additional time to complete the corrective measure identified in this notice of violation must be in writing. The request must describe the reasons for additional time, and I must receive the request for consideration no later than May 31, 2007.

CORRECTIVE MEASURES:

#1 WAC 173-303-640 Tank Systems and 40 CFR, 264, Subpart J, Tank Systems:

Please be aware that since Ecology rejects the recommendations for extended service life described in CH2M's *Evaluation of Hose-in-Hose Transfer Line Service Life*, RPP-6711, Rev. 2K, all data and responses to this corrective measure must be presented to Ecology using the shelf and service life referenced in the *Temporary Waste Transfer Line Management Program Plan*, RPP-12711.

To complete this Corrective Measure, USDOE-ORP and CH2M must perform the following actions:

- Within 30 calendar days of receipt of this letter, submit a written schedule to Ecology listing all temporary transfer lines either in storage, deployed for use, or in use on the Hanford Site, including the service expiration date and removal date for each line. This schedule must:
 - Identify each temporary transfer line that has, or will have, exceeded its service life by the end of the current federal fiscal year (September 31, 2007).
 - List the date each line will be removed from the field for storage or disposal.
- On or before September 31, 2007, USDOE-ORP and CH2M must complete removal of all temporary transfer lines that have exceeded their service life as described in the bulleted item above.
- From receipt of this notice of violation forward, or until directed otherwise by Ecology, USDOE-ORP and CH2M must issue a written report to Ecology on the first day of each federal fiscal year quarter reporting a current inventory of all temporary transfer lines either in storage, deployed for use, or in use on the Hanford Site. If CH2M maintains documentation satisfying all the information requests listed below, that documentation may be submitted to satisfy this portion of the corrective measure. This quarterly report must then list all temporary transfer lines that will exceed their service life and/or removal dates in the following fiscal year quarter. This information for each temporary transfer line as described above must include, at a minimum, the following:

Ms. Olinger and Mr. Spears

May 14, 2007

Page 4

- Identification number
- Location
- Receipt date
- Status (in use or in storage)
- Expiration date (shelf-life or service life)
- Length
- Material of construction
- Configuration (description of how deployed or stored)
- Description of leak detection used

If you have any questions regarding this letter, please contact me at 509-372-7933.

Sincerely,

Bob Wilson

Bob Wilson
Compliance Specialist
Nuclear Waste Program

pll

cc: Phil Miller, CH2M
Stuart Harris, CTUIR
Gabriel Bohnee, NPT
Russell Jim, YN
Susan Leckband, HAB
Ken Niles, ODOE
Administrative Record: DST 5-2-3
Environmental Portal